



**AGENDA ITEM #9B/9C**

**AGENDA ITEM EXECUTIVE SUMMARY  
Village Board Meeting  
2/27/2023**

**Item Title:** Code Updates Related to the Zoning Ordinance Update

**Staff Contact:** Caron Bricks, AICP, Community Development Manager

OLD BUSINESS

**VILLAGE BOARD ACTION:**

1. Pass an ordinance repealing Chapter 6, Article III, Division 4 of the Code of Ordinances of the Village of Roselle, Illinois.
2. Pass an ordinance amending Chapter 8 Article II and Chapter 15 of the Code of Ordinances of the Village of Roselle, Illinois.

**Executive Summary:**

As part of the new Zoning Ordinance, there are several sections of the Village Code that will need to be amended due to the new changes including:

1. The Building Code currently includes regulations regarding fences in all zoning districts. The first ordinance deletes the section in its entirety as fence regulations now reside within the Zoning Ordinance.
2. The Village has combined the Planning & Zoning Commission and Zoning Board of Appeals into one commission, which will be known as the Planning & Zoning Commission. The second ordinance replaces any references to the Zoning Board of Appeals to the Planning & Zoning Commission for clarity and continuity.

**Implications:**

**Is this item budgeted?** N/A

**Estimated cost:** N/A

**Any other implications to be considered?** N/A

**Strategic Priority:**

N/A

**Attachments:**

Ordinances

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**THE VILLAGE OF ROSELLE**  
COOK AND DUPAGE COUNTIES, ILLINOIS

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**ORDINANCE**  
NUMBER 2023 \_\_\_\_\_

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**AN ORDINANCE REPEALING  
CHAPTER 6 ARTICLE III DIVISION 4  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF ROSELLE, ILLINOIS**

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DAVID PILESKI, Mayor  
AMANDA HAUSMAN, Village Clerk

BRUCE BERKSHIRE  
WAYNE D. DOMKE  
CHERYL LENISA  
TOM DELLA PENNA  
TOM PIORKOWSKI  
LEE TREJO

Village Board

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Published in pamphlet form by authority of the  
Mayor and the Board of Trustees of the Village of Roselle  
on this the 27th day of February, 2023

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ORDINANCE NO. \_\_\_\_

**AN ORDINANCE REPEALING  
CHAPTER 6 ARTICLE III DIVISION 4  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF ROSELLE, ILLINOIS**

**WHEREAS**, the Village of Roselle (hereinafter referred to as the “Village”) is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

**WHEREAS**, the Village has in full force and effect a codified set of ordinances which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Roselle, as amended;

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety and welfare of its residents;

**WHEREAS**, Village Staff routinely reviews the Village Code provisions in order to ensure the provisions of the Village Code are current, consistent and in compliance with state and federal rules, regulations and laws:

**WHEREAS**, the Corporate Authorities have revised the Zoning Code of the Village of Roselle which has incorporated regulations pertaining to fences; and

**WHEREAS**, the Village desires to amend its code of ordinances to repeal the regulations pertaining to fences within the building code due to adoption of the referenced regulations into the newly revised zoning code; and

**WHEREAS**, the Corporate Authorities of the Village of Roselle are of the opinion that it is in the best interests of the safety, health and welfare of the residents to amend the village’s code of ordinances as referenced herein.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled, by the Mayor and Board of Trustees of the Village of Roselle, Cook and DuPage Counties, Illinois as follows:

**Section One - Recitals**

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

**Section Two – Repeal Village Code of Ordinances Chapter 6 Article III Division 4**

Chapter 6 Article III Division 4 Sections 6-519, 6-520, 6-521, 6-522, 6-523, 6-524, 6-525, 6-526 and Section 6-527 of the Village of Roselle Code of Ordinances shall be repealed in their entirety. The Chapter Article Division and Sections shall be marked “Reserved” to allow for future use.

**Section Three - Conflict Clause**

That all ordinances, parts of ordinances, resolutions, parts of resolutions or board actions in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

**Section Four - Passage Clause**

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

**Section Five - Constitutionality Clause**

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of this ordinance or the Roselle Municipal Code.

**Section Six - Publication**

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

**Section Seven - Recording**

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Roselle.

DRAFT

The Remainder of this Page has been Intentionally Left Blank / Roll Call Vote to follow:

**DECIDED** pursuant to a Roll Call Vote:

	YES	NO	ABSTAIN	ABSENT
Bruce Berkshire				
Wayne D. Domke				
Cheryl Lenisa				
Tom Della Penna				
Tom Piorkowski				
Lee Trejo				
David Pileski (if necessary)				
TOTAL				

**PASSED AND APPROVED** by the Village of Roselle Board of Trustees on the 27th day of February, 2023:

\_\_\_\_\_  
David Pileski  
Mayor

ATTEST:

\_\_\_\_\_  
Amanda Hausman  
Village Clerk

STATE OF ILLINOIS )  
 ) SS  
 COUNTIES OF DUPAGE AND COOK )

**CLERK’S CERTIFICATION**

I, Amanda Hausman, hereby certify that I am the duly appointed and qualified Village Clerk in and for the Village of Roselle, DuPage and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. \_\_\_\_\_

**AN ORDINANCE REPEALING  
 CHAPTER 6 ARTICLE III DIVISION 4 OF THE CODE OF ORDINANCES OF  
 THE VILLAGE OF ROSELLE, ILLINOIS**

adopted and approved by the Mayor and the Board of Trustees at an official meeting held on February 27, 2023 and that the vote on the motion for adoption was as follows:

	YES	NO	ABSTAIN	ABSENT
Bruce Berkshire				
Wayne D. Domke				
Cheryl Lenisa				
Tom Della Penna				
Tom Piorkowski				
Lee Trejo				
David Pileski (if necessary)				
TOTAL				

I do further certify that the deliberations of the Board on the adoption of said ordinance were conducted openly, that the vote on the adoption of said ordinance was taken openly, that said meeting was called and held at a specified time and place convenient to the public, that notice of said meeting was duly given to all of the news media requesting such notice, that said meeting was called and held in strict compliance with the provisions of the Open Meetings Act of the State of Illinois, as amended, and with the provisions of the Village Code of the Village of Roselle, as amended, and that the Board has complied with all of the provisions of said Act and said Code and with all of the procedural rules of the Board.

I further state that this Certification is issued under my hand and the seal of the Village of Roselle as required in the Illinois Compiled Statutes 65 ILCS 5/1-2-4.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Corporate Seal of said Village of Roselle, DuPage and Cook Counties, Illinois on the date set forth herein.

\_\_\_\_\_  
 Amanda Hausman, Village Clerk

(SEAL)

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**THE VILLAGE OF ROSELLE**  
COOK AND DUPAGE COUNTIES, ILLINOIS

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**ORDINANCE**  
NUMBER 2023 \_\_\_\_\_

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**AN ORDINANCE AMENDING  
CHAPTER 8 ARTICLE II AND CHAPTER 15  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF ROSELLE, ILLINOIS**

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DAVID PILESKI, Mayor  
AMANDA HAUSMAN, Village Clerk

BRUCE BERKSHIRE  
WAYNE D. DOMKE  
CHERYL LENISA  
TOM DELLA PENNA  
TOM PIORKOWSKI  
LEE TREJO

Village Board

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ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING  
CHAPTER 8 ARTICLE II AND CHAPTER 15  
OF THE CODE OF ORDINANCES OF  
THE VILLAGE OF ROSELLE, ILLINOIS**

**WHEREAS**, the Village of Roselle (hereinafter referred to as the “Village”) is an Illinois Municipal Corporation organized pursuant to the laws of the State of Illinois;

**WHEREAS**, the Village has in full force and effect a codified set of ordinances which are of a general and permanent nature, which said codified set is known and designated as the Village Code of the Village of Roselle, as amended;

**WHEREAS**, the Village has the authority to adopt ordinances and to promulgate rules and regulations that pertain to its government and affairs that protect the health, safety and welfare of its residents;

**WHEREAS**, Village Staff routinely reviews the Village Code provisions in order to ensure the provisions of the Village Code are current, consistent and in compliance with state and federal rules, regulations and laws:

**WHEREAS**, the Corporate Authorities have revised the Zoning Code of the Village of Roselle and has further to consolidate the Zoning Board of Appeals and the Planning and Zoning Commission in order to streamline the procedural and regulatory process;

**WHEREAS**, the Village desires to amend its code of ordinances to provide for the composition and authority of said board/commission as set forth in the newly revised zoning code; and

**WHEREAS**, the Corporate Authorities of the Village of Roselle are of the opinion that it is in the best interests of the safety, health and welfare of the residents to amend the village’s code of ordinances as referenced herein.

**NOW, THEREFORE, BE IT ORDAINED**, in open meeting assembled, by the Mayor and Board of Trustees of the Village of Roselle, Cook and DuPage Counties, Illinois as follows:

**Section One - Recitals**

The Board of Trustees hereby find that all of the recitals hereinbefore stated as contained in the preamble to this ordinance are full, true and correct and do hereby, by reference, incorporate and make them part of this ordinance as legislative findings.

**Section Two – Amendment to Chapter 8 Article II Section 8.5-3**

Chapter 8 Article II Section 8.5-3(3) of the Village of Roselle Code of Ordinances shall be amended as follows (additions appearing underlined and any deleted language appearing with a ~~strike-through~~ line):



### Section 8.5-3 – Jurisdiction and power of the board

The board, upon consultation with and recommendation of, the Roselle Historical Foundation, shall have the authority to:

- (1) Designate sites and structures with the village as landmarks;
- (2) Prescribe conditions for their alteration, demolition, and removal;
- (3) Evaluate any application for zoning amendment, variation, or special use affecting any landmark, pursuant to the purpose of this chapter as stated in section 8.5-1. Such applications shall be submitted to the Planning and Zoning Commission ~~zoning board of appeals shall be forwarded to the commission~~, which in its discretion may present evidence at the public hearing on the proposed zoning amendment, variation, or special use, either in support of or in opposition to, or it may recommend modifications thereof;
- (4) Visually identify designated landmarks (i.e., plaques, markers, etc.).

### Section Three – Amendment to Chapter 15

Chapter 15 Sections 15-1, 15-2, 15-3 and 15-5 of the Village of Roselle Code of Ordinances shall be amended as follows (additions appearing underlined and any deleted language appearing with a ~~strike-through~~ line):

#### Section 15-1 – Planning and Zoning Commission – Established

~~There is hereby established a planning and zoning commission for the village. There is hereby established a Planning and Zoning Commission for the village which shall also serve as the zoning board of appeals.~~

#### Section 15-2 – ~~Same~~ – Membership

~~The present Village plan commission is hereby dissolved~~ Planning and Zoning Commission and Zoning Board of Appeals are hereby dissolved. A new Village Planning and Zoning Commission is hereby created; the Planning and Zoning Commission shall consist of seven (7) members to serve, respectively, for the following terms: one for one year, one for two (2) years, one for three (3) years, one for four (4) years, one for five (5) years, one for six (6) years, and one for seven (7) years; and the successor to each member so appointed to serve for a term of five (5) years. Of the regular members shall be named by the mayor as chairperson and one as vice-chairperson at the time of appointment.

#### Section 15-3 – ~~Same~~ – Powers and Duties

The Planning and Zoning Commission shall have the powers and perform the duties assigned to it by statute or ordinance which shall include but not be limited to the powers and duties of a zoning board of appeals as set forth in statute.

#### Section 15-5 – Meeting Fees

The fee for the recording of minutes per petition of the ~~zoning board of appeals and~~ Planning and Zoning Commission shall be fifteen dollars (\$15.00) per hour.

### Section Four - Conflict Clause

That all ordinances, parts of ordinances, resolutions, parts of resolutions or board actions

in conflict with the terms of this ordinance shall be repealed to the extent of said conflict.

**Section Five - Passage Clause**

That this ordinance shall take full force and effect from and after its passage, approval and publication as provided by law.

**Section Six - Constitutionality Clause**

Any part or parts of this ordinance declared by a court of law to be invalid or unconstitutional shall not affect the validity of the remaining provisions of this ordinance or the Roselle Municipal Code.

**Section Seven - Publication**

This ordinance shall be published in book or pamphlet form as provided by the Illinois Municipal Code.

**Section Eight - Recording**

This ordinance shall be entered into the minutes and upon the journals of the Board of Trustees of the Village of Roselle.

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**DECIDED** pursuant to a Roll Call Vote:

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Bruce Berkshire				
Wayne D. Domke				
Cheryl Lenisa				
Tom Della Penna				
Tom Piorkowski				
Lee Trejo				
David Pileski (if necessary)				
TOTAL				

**PASSED AND APPROVED** by the Village of Roselle Board of Trustees on the 27th day of February, 2023:

\_\_\_\_\_  
David Pileski  
Mayor

ATTEST:

\_\_\_\_\_  
Amanda Hausman  
Village Clerk

STATE OF ILLINOIS )  
 ) SS  
 COUNTIES OF DUPAGE AND COOK )

**CLERK’S CERTIFICATION**

I, Amanda Hausman, hereby certify that I am the duly appointed and qualified Village Clerk in and for the Village of Roselle, DuPage and Cook Counties, Illinois; that I am the keeper of the files, records, and seal of said Village, and that the following is a true and correct copy of Ordinance No. \_\_\_\_\_

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\_\_\_\_\_  
 Amanda Hausman, Village Clerk

(SEAL)